Supreme Court, U.S.
FILED

01 141 MAY 22 2001

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(1)

No.

IN THE

SUPREME COURT OF THE UNITED STATES

MAWIA MOHAMED ELJACK ,.....
Petitioner,

Versus

AHMED H. HAMMOUD B.I.S., et al.,.....
Respondent.

PETITION FOR WRIT OF CERTIORARI TO
THE ELEVENTH CIRCUIT COURT OF APPEALS

MAWIA MOHAMED ELJACK
416 Goldwire St. S.W.
Birmingham, Alabama 35211
(205) 871-2274
Plaintiff:(Pro Se)

58 PP

QUESTIONS PRESENTED FOR REVIEW

Q#1A. Is it Constitutionally permitted to See the Managers(of a Federally-Assisted Community-Center)arresting and blocking{(Due to hate and Dislike)a full-fledged taxpaying citizen(like the Plaintiff herein: Dr.Eljack)}from Entering and from Registering his Care-dependent Boy in the Beginners School of a[Tax-exempt, non-Profit, Federally-Assisted Community-Center]Simply for hating(with blind malice)the Religious Belief of the Care-taker Plaintiff (Dr. Eljack) even though the Managers themselves Know that Our living God (*ALLAH*) made it a Compulsory duty[1](on all adult members of the Moslim family)to offer(on Fridays)their Congregational prayers together with their Moslim brothers in the Center of their Community ! a Center on which the Federal Government has been Spending my Tax Money Liberally[on Federal Assistance, on Evaluators, on Supervisions, and So on...!?!].

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(1)When the U.S. Federal Government Fails to Enforce a Congregational Rule on all houses of Worship that Receive Federal Funding ; The Constitutional Rights of any Taxpaying U.S. Citizen get Subjected to(manifest abuse and *De Facto* violations)! that is to Say:{a taxpaying moslim pays taxes to[the Federal, State, and to Local Gov.]So as to be Discriminated against!}

List of interested Parties and(Organizations)

Ahmed Hussein Hammoud, Ayman Zayed, Ashfaq Taufique, Abd-Elkarim Abdalla Ahmed Tarawni, jim the treasurer,**Enam AlHug-Shah Khan, S. Kanar, Zeyad Awad, M. Ocak, Fahmi Abdein, Ben-Ghali, Aijazi,M Hammouda Mozafar, Janjua, Chandiwala, Younus, Z. Taer H. Ashour, R. Badier, I. Zagoot, Rafe Arain, Hisham Hakim, Nassief Sukar, Mohamed Naeem Al'Saee, M. Naziruddin Ali M, N. Aljabi Ahmed Osman Makki & H. Eltourabi, Wadud, Zulfiqar Ali Shah, Ashrafuz Zaman Khan,Mag, Rahmat Shah Khan, Muhammad Naeem Baig, Tayyab Shaheen, Shamsuz Zaman, Khalid Zabeehullah, Muhammad Yunus, Bashir Malik, Gul Joya, Wali Alam, M. Rafiq Chaudhry, M. I. Nadvi, Abul Qasim, Asim Asad, Manzoor Khalid, Farrukh Raza, Irfan Sarwar, Shahid Rafiq, Mohammad Nadeem, Khurshid Khan, S. Siddiqui, S. A. Baig, M. Maghraoui, N. Latif, Sayed H. Ahmad, I. Hussain, Jibril[Individuals]**

Birmingham Islamic Society(**B.I.S.**)&(**B.I.C**),corps

North America Islamic Trust(**N.A.I.T.**), a trust.

Islamic Society of North America(**I.S.N.A**), a corp.

Islamic Circle of North America(**I.C.N.A.**), a corp.

Islamic American Relief Agency(**I.A.R.A.**), an org.

Muslim Students Association(**M.S.A.**), an org.

Organizations **X,Y,Z**, Mr. **Y**&Mrs. **Z**; and **Islamic Communities of America-[Potential defendants]**

Gregory Ritchey--[Attorney for the defendants]

Dr. Mawia Mohamed Eljack--[plaintiff: Pro Se]

-a-

Corporate Disclosure Statement

To assist this Court in evaluating possible amendment; undersigned plaintiff also discloses that[Some Parent Corporate-Defendants' and Some Appellees']identities are not known to us at the present time, But will be known to us as this unique-Constitutional Case Continues To Unfold !? Many of the Litigant Entities who are Involved in this Civil lawsuit are currently in profit-making businesses Via Public Financial Assistance and Via the Financial Assistance of my Fellow-Worshippers, in addition to the Financial Assistance of other Hidden-Secretive Sources that Might hold and Own Corporate Stocks and Bonds that Exceed 10%; This is So because these litigant Entities Operate these various non-profit, tax exempt Organizations (Organizations wholly governed by the freedom of information act)Covertly under Complete Secrecy and Complete Cover-up !?! <u>WHY</u> are

these Organizations permitted to operate (non-Stop) in clear violation of the information act and in Contemptuous defiance of the U.S. law with unrestricted-harmful arrogance ?!?

Is there any lawful procedures by which Such federally-assisted litigants are Compelled legally to Come Clean before a fair Court of justice through Submitting the historical records of their non-profit financial involvement to the Court for a thorough-judicial examination that follows a firm-Scrutinizing auditing-method ?!?

Dr. Eljack, Mawia:[a Pro Se Plaintiff]

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No.

IN THE

SUPREME COURT OF THE UNITED STATES

MAWIA M. ELJACK , - - - - - - - - - - Petitioner,

Versus

AHMED H. HAMMOUD,

B.I.S., et al.,- - - - - - - - - - - - - - - - - - Respondent.

PETITION FOR WRIT OF CERTIORARI TO

THE ELEVENTH CIRCUIT COURT OF APPEALS

OPINIONS BELOW

The opinion Sought to be reviewed is that of the Eleventh Circuit Court of appeals in Mawia Eljack Vs. Ahmed Hammoud, B.I.S., et al., 2001 (The Eleventh Circuit Court of Appeals Number: 99-14545-GG), entered February 21,2001. The decision of the Court is officially reported.

ORDERS ENTERED IN THE CASE

The Federal Eleventh Circuit Court of Appeals (in ATLANTA)has Prejudicially DENIED my Petition for Rehearing En Banc on Feb 21, 2001

STATEMENT OF JURISDICTION

This lawsuit falls under the violation of the U.S. Civil rights act in Connection with the infringement on the Religious-Constitutional Rights of Dr. Eljack(a bona fide U.S. taxpaying-Moslim Citizen) !?! The Notice of Appeal was filed and the jurisdiction of the Supreme Court of the United States is Conferred by the Rule of the Supreme Court of the United States of America for this unique Case ! this Court has jurisdiction over this legal matter because this Civil Case is an appeal of The United States Court of Appeals For The Eleventh Circuit (The Federal Court of Appeals in ATLANTA) that affirmed the defendants' "Motion to Dismiss" and DENIED my Petition for Rehearing En Banc with ' PREJUDICE ' on February 21, 2001.

The U.S. Federal Eleventh Circuit Court of appeals overlooked and did bypass(the raised and the thoroughly argued)Issues of[the human rights, the civil rights, the constitutional matters and the Religious-Rights Violations]that are thoroughly presented in this lawsuit !?! This aforementioned judgement was the final judgement of the Eleventh Circuit Court of Appeals(in ATLANTA)and yet APPEALABLE under Federal Rules. This appeal properly lies before this Court as the Case was filed in, and judgement was finally entered in the Eleventh Circuit Court of Appeals. This petition for a WRIT of CERTIORARI is timely filed:→

[It Starts from February 21,2001→5/21→Present]

STATUTE

The Statute in Connection with this unique lawsuit addresses the *Conflict* between the Civil Rights Amendments and the Constitutionally-Guaranteed Religious Rights of the MOSLIMS!

Constitutional provision and treaties with *ALLAH*[treaties with the almighty *GOD*]

THE ALMIGHTY ALLAH(GOD)has ratified a covenant with all believing-moslims to uphold His Laws and to Execute His commands on themselves and on others(*willingly&unwillingly*) [ch:62-9/48-16/33-61/9-29]of the holy QURAN !

STATEMENT OF THE CASE

[STATEMENT OF THE ISSUE]

Is there any genuine issues of material fact existed precluding judgements as a matter of law ; or , did(the lower Courts)Simply err[in affirming the defendants' motion to dismiss and in taxing the Cost of the trial to my wallet (the wallet of Dr. Eljack: The unjustly-dealt with plaintiff)]?! Can the Issues of(Res Judicata and Technical Maneuvers)in actuality prevent the Oppressed from Seeking DUE-JUSTICE?!

This Case Started when I Posed this coming Secular-legitimate Question{to the Management of our Community Center(Mosque)}in a helpful effort aimed at improving our Community by knowing where we Stand Financially in our nonprofit Center:{From where Do you Support

this Tax-exempt, non-Profit Organization, and How do you Spend the money on B.I.S' Mosque ?} Now ! For this Simple-legitimate Question I was|Physically attacked, Falsely arrested(when I came to offer my Obligatory-Congregational Prayer on Friday in accordance with the Constitutional Invitation that appears in Exhibit-2A /\^/\ Also Please See Exhibit-2B for another Deceitful-Secret Financial-ballot), non-rightfully jailed, publicly Slandered, maliciously Prosecuted, Religiously Persecuted, Socially Isolated and illegally blocked from entering our federally-Assisted Community-Center for over Seven Years|by these defendants and by their associate-coconspirators worldwide !

After I have gotten (Falsely arrested , non-Rightfully jailed, and maliciously prosecuted) I have appeared in all of the following Courts:→ (A) After Seeing all the evidences; the municipal judge *could not find* Birmingham Islamic Society and its associates *not guilty for* putting me in jail(See Exhibit-2A).Immediately after the

decision of this judge(See Appendix-A)I lawfully took the defendants and their Conspiring associates to court So that I become able to reinstate my Constitutional-Guaranteed Rights that these defendants have taken away from me unlawfully !?!

Arguing Abuses, Res Judicata, and Justice:

In an effort to recapture my Stripped-human rights; I hired lawyers to file grievances with the Court on my behalf. Associates and Executives of B.I.S. have contacted my lawyers (verbally and through written documents[See Exhibit-3])in their relentless effort to Obstruct justice. As a result of these Suggestive-threatening contacts by these defendants; Four lawyers have changed their minds about this civil Case. These Successful attempts for obstructing justice (by these defendants) have forced me to represent myself in court alone (in a[*pro se*] Status) without any legal aid, without any Sound Counseling, and without any Financial Help from the U.S. government !

The Government to which I have been paying lots of taxes So as to Preserve my guaranteed-Constitutional Rights:{the human Rights, the Civil Rights, and the Religion Rights}

RES JUDICATA [REASON NO.1] !?!

Before forcibly abandoning me; my first-hired lawyer has filed this civil lawsuit Incorrectly via placing and docketing it in the circuit court of Jefferson county of the State of Alabama *RATHER THAN* filing it Correctly with the U.S. Federal Court in the State of Alabama Since the Constitutional Issues in this Civil Case Can only and only be Resolved Federally !?!

Narration of The TIME-Series FACTS

How on *EARTH* Can a judicial decision flip flop from{Exhibit-5a: where this Case was totally ready for a default judgement in favor of the oppressed Plaintiff: Dr. Eljack}to{Exhibit-15b: where the trial Cost of this Same Case is totally taxed to the wallet of this Same oppressed plaintiff:(Dr. Eljack, Mawia)} ! This was done by the trial judge in a friendly-Judicial effort to

help the law Firm of the defense lawyer Cripple the Plaintiff Financially So as to hinder the Plaintiff from Pursuing other avenues to regain his lost-Constitutional Rights(the Human, the Civil, and the Religious Rights)that were taken away from the plaintiff unlawfully by the crafty clients of the defense law firm(those defendants who appeared in this Constitutional lawsuit)] !? This Judicial Plot was Disingenuously Executed in this Time-consuming Way:→

(B)patiently in a friendly-rhythmic harmony with the defense lawyer; the judge of the circuit Court of Jefferson County repeatedly brushed off my request for Seeing the Financial Records of our Community Center(See Exhibits:7,8&9)! The Same Financial Records that caused me to *be*[verbally and physically assaulted, falsely arrested, non-rightfully jailed, maliciously prosecuted, religiously persecuted, Publicly Slandered, Socially isolated, financially crippled ,unlawfully blocked from entering our center, and Intentionally deprived of my basic-Moslim

right(to worship in a congregational Setting)]*by these Same defendants and by their conspiring-associates worldwide* !

Now ! This Conglomeration of defendants has Contemplatively *DENIED* the reciprocation of financial benefits among themselves, So thereof and thereupon; they Submitted{Sworn-falsified financial-affidavits(Under Oath and Penalty of Perjury)}to the circuit court of Jefferson county in the State of Alabama after they have Said before Some witnesses that they are going to Do So (*to Lie*) So that they can protect the investments that fall under the Umbrella of their non-profit organizations[See Exhibit-6(A)] *Immediately After*{the Careful Examination of these Falsified-Financial affidavits that these defendants Submitted to the circuit court} *I protested the Submission of these Sworn-falsified financial-affidavits Lawfully and Rightfully* by Submitting a Series of written motions in them I asked the trial judge to

Compel the defendants to produce the Financial Records about which these defendants Arrested me Falsely, Jailed me non-Rightfully, and Prosecuted me maliciously !?! However, In response to these written Motions; The trial judge chose to avoid Compelling the defendants to produce their Financial Records So as to be Examined judicially (this judicial favor was granted to the defense lawyer via a friendly-judicial Smile that Set all the big defendants FREE) and right there and then this trial judge turned toward me and answered me in this non-binding verbal way→"These defendants are out of this lawsuit and I am not going to touch this issue." !?! From thereon this crafty-trial judge Started to Set the rest of the defendants FREE one by one[from the big-involved Corporations all the way down to the little-involved individuals]in a wicked-friendly plot dishonestly aimed at killing this Constitutional lawsuit at the cradle a little by little ! this wicked Plot of this crafty judge eventually Caused this

Constitutional lawsuit to go in favor of his Comrade-defense lawyer! Now! *Suddenly*{as this crafty-trial judge and his comrade defense lawyer became(one hundred percent)Sure that their plan for killing my Constitutional lawsuit is paying off with a Smile}*I filed a Surprise-Motion with* (the Polly conradi clerk of the Court) in it I asked to depose the defendants along with Some witnesses ! [this deposition motion was filed to lock-in the defendants' answers Since the answers of these defendants tend to Govern Some Futuristic-Critical Financial-Questions that are Seriously needed to be documented in an official Court transcript for further Judicial Uses(See Exhibit-10)]!Now ! *Because of the Unexpected Filing of this Surprise-Motion*; the defense lawyer Suddenly became furiously reactive when I Sent to him a copy of this Surprise-motion that I filed with the clerk on(Jan 29, 1999) !

furthermore; in addition to this Surprise motion

I have also Submitted on(Feb 8, 1999)to this trial judge a *Motion* and a *Notice* for reinstating and for deposing the defendants. Once again ! this trial judge has completely ignored{the Reinstating Motion and the Notice for deposing the defendants(See Exhibits-11,12} Now take for a fair Comparison the following:~

Immediately thereafter the filing of these Surprise-motions of mine; the trapped-defense lawyer filed a reactionary-motion{on(Feb 10, 1999)(See Exhibit-13)}in it this trapped-defense lawyer asked his Comrade-trial judge to allow him to depose me in his last-final attempt at killing this Revealing-Constitutional lawsuit of mine! Now ! *Suddenly*{without being questioned to reveal the hidden Financial Evidences of his clients(these evasive defendants); and before granting my early-Submitted Deposition-motion of(Jan 29, 1999)}*this trial judge*(without any judicial Conscious)Instantaneously GRANTED the late-Submitted Deposition-motion of(Feb 10, 1999)of this defense lawyer in a crooked effort

to allow the defense lawyer to depose me(before I get to ask him the Crucial-Revealing Financial-Questions that he has been avoiding all along)!Now!this trial judge without(a Second thought or a living Conscious)brushed off and killed the earlier-motion that I have Submitted to him on(Jan 29, 1999)for the purpose of deposing(these evasive clients)of the defense lawyer and thereat this trial judge Shamelessly Granted{the late-motion that was Submitted to him on(Feb 10, 1999)by his comrade-defense lawyer}in a nicely composed Sprit of a judicial fraternity! This judge has granted a judicial favor to this defense lawyer in an Ugly-wicked irresponsible-Way while at the Same time this Same judge has given me{ *NO* written response or even a Slight Sarcastic verbal response}for DENYING the Earlier-motion that I have Submitted to him on (Jan 29,1999) ! He Simply acted premeditatedly in a disingenuous way ! He acted in a crafty-wicked way aimed at reversing the Priority and the time Order of

things ! He Simply used a Swiss Cheese Mentality to deliver a juggler's abracadabra JUSTICE (Please See Exhibit-13) ! Suddenly in a blink of a Shameless eye this trial judge turned to his comrade-defense lawyer and verbally promised him a Second chance at deposing me !?! However, on March 10, 1999 this trial judge gave me a Court Order to go to the office of this defense lawyer So I can be deposed by his Comrade(the instantaneously-gratified defense-lawyer) ! Thereat and then I lawfully Obeyed the Order of the Court by going to the office of this defense lawyer to be deposed and this defense lawyer non-rightfully led the questioning Session as the man in charge of typing the court transcript was diligently documenting this questioning Session as a Solid proof for further uses by all Courts of law worldwide ! However, Suddenly during this recording Session we reached a Sluggish point in the deposition where the defense lawyer had to put the trial judge on the Speaker-phone.

The trial judge Came on line from his office in downtown (Birmingham / Alabama) . The trial judge tried to use his judicial power to Compel me *Forcibly* to answer questions in a way that benefits his Comrade-defense lawyer ! But to the dismay of this trial judge and to the dismay of his Comrade-defense lawyer I posed to this trial judge the Critical Question that he was not Expecting ! The Question that I have been holding against his crooked unjust-judicial practices Since the beginning ! This critical Question that I have posed to this trial judge represents the Essential-building blocks for laying down the foundation of justice: → Now ! Why DO I (Dr. *Eljack*) the judicially-oppressed *plaintiff*{after having filed Some motions to depose the defendants and to protest those incorrect information that were(under Oath and penalty of Perjury)Submitted to this trial judge by these defendants in their falsified efforts to Strip me of(my human, my civil, and my religious)Rights anarchical}*get* denied the

basic-judicial Right that allows me to depose these defendants and also get denied the Freedom of Information Act-Right that allows me to Examine the Financial Records of those Tax-exempt, non-Profit Organizations that are Jointly *Run* by these defendants and by their covert-coconspirators who intentionally and non-rightfully put me in jail for the Sake of blocking me from Seeing these Same Falsified-Financial Records that I have previously requested of them to Reveal to me for the Sake of (the common good of our Center and for the collective betterment of our Community)?

THE FREEDOM OF INFORMATION ACT:

Dictates that all the Financial Records of all tax-exempt, non-profit Organizations must be Produced and must be disclosed publicly! Now !

Because I Simply asked to See these Public-

domain Financial Records of these defendants; *The Negligent-AMERICAN Court-System*(in an Unheard of Favoritism and Leniency toward These defendants)Purposely and Collectively has caused me to be{Maliciously prosecuted, Religiously persecuted, Socially isolated, Financially crippled, and Singularly Discriminated against}beyond Believes and beyond Expectations in a Manifest Defiance of all Written laws that pertain to the abuse of(my human, my civil, and my Religious)Rights !?! Now! back to the Story of this crafty-trial judge ! in a fraction of a Second this crafty-trial judge resorted to his Usual mode of DENIAL by responding to my Question(the aforementioned-Unexpected Sudden-Question)in this ridiculous way of denial where he (in the official piece of the court transcript) Suddenly DENIED Seeing all the Motions that I have Submitted to him previously:→

"Well, I haven't- - -When have you filed Some motions?"

Please(See Exhibit-14:page-31,line-1,2 through line-16) and also please(See Exhibit-10)!?!

This crafty Judge Denied Seeing this Motion !!!

[This was an acted out-misleading Statement that was never ever Said by a wobbling judge!] Strange as it may Seem, this trial judge wanted to put me forcibly under oath So as to Give true and Correct information to(the defendants and to their defense law firm)in Exchange For the defendants' Sworn-falsified Finances that they Submitted in their falsified effort to help this trial judge *find for them an easy way out of* this Exposing-Constitutional lawsuit

The premeditated actions{that Lured these defendants to Submit to the trial court affidavits of falsified testimonies}have *Robbed* me Methodologically and Systematically of my basic-constitutional right that dictates to me that I must have a fair trial !Now! based upon these aforementioned judicial discrepancies this revealing-constitutional lawsuit remains untried because it has encountered Some problems with

(1)Administering the Secular OATH to people of different Religious Beliefs

(2)nonprofessional-Reciprocated Friendly-Relationships between judges and lawyers; and

(3)a Manmade-Malignant Justice-System that Completely Removes, Ignores and Ridicules the Fundamental Laws of GOD{those Strict Laws of ALLAH that forcibly Govern and Straighten out Each and Every crooked-Skewed creature}

Now ! Due to the lack of these Fundamental Elements of Justice, This frustrated-trial judge terminated this Challenging-Constitutional lawsuit in a Snap !?! and with a clear Explicit prejudice(in the open Circuit Court of Jefferson County in the State of Alabama)this biased-trial judge instantaneously dismissed this landmark-Constitutional lawsuit and taxed the Cost incurred in the trial to my wallet[the wallet of the judicially-oppressed plaintiff]! ***Now you can clearly See the decision of this crafty judge when he repeatedly failed in making this lawsuit <u>GO</u> <u>irreversibly</u> in favor of his comrade lawyer !***

(Exhibit-15b Reveals the Frustration of those Judges who are used to resolving lawsuits by Settlements *But Not* by Tough-Scrutinizing Fair-Trials) !?!

RES JUDICATA [REASON NO.2] !?!

After the defendants Submitted their(Sworn-Falsified Financial-Affidavit to the circuit court of Jefferson county of the State of Alabama) Their defense lawyer began to use a weak Argument that THE CIRCUIT COURT of Jefferson county of the State of Alabama *LACKS* JURISDICTION OVER his clients because the defendants(his clients)*reside in* a different State. Thereupon, on the basis of this residential-geographical disparity the defense lawyer has gotten his *wrongful* clients(these defendants)out of this lawsuit easily via using this weak jurisdictional argument in the hope that I might eventually get discouraged from Seeking other avenues of redress in my relentless pursuit of Justice for reinstating *my religious rights and my civil liberty.See Exhibit.17*

little that this judge knows about Dr. Eljack:→

[~ *a polished Stick in a Slippery mud* ~]

Technicality and loopholes in any legal System Can never Stop or discourage Dr. ELJACK→ [Can Never Stop The master of a *DO-LOOP*] from finding his Lost Rights when he is in a real pursuit of Securing justice for the judicially oppressed !!!

To: Mr. RITCHEY(the Defendants' Defense Lawyer)Are you operating under the belief that Says: The Squeaky wheel gets the grease? Well By you winning this Constitutional lawsuit non-Rightfully you have intentionally introduced A FEDERAL QUESTION: IS THE CURRENT SECULAR OATH VALID AND RELIABLE TO FURNISH COMREHENSIVE FAIR TRIALS TO PEOPLE OF DIFFERENT RELIGIOUS BELIEFS

Is the Current Secular oath valid and reliable for delivering justice to those litigants who are Religiously *Compelled to Swear only* → Those litigants who *Cannot take the oath of affirmation* for Some Religious-Compelling reasons?

This crucial issue of administering a SECULAR OATH to a Moslim has decelerated and has terminated the progression of many lawsuits in all Moslims' Communities across America and around the world !?! This is So because(*crooked lawyers and their pseudo-Moslim friends*)have Subconsciously justified(*lying and Submitting*)to all Secular Courts around this world Sworn-falsified testimonies ! Those crooked lawyers and their pseudo-moslim clients See no acquired guilt in lying to Secular courts.this is So because the Secular Oath is Religiously non-binding to these Merchants of Faith !?! Now ! In order to Protect{the investments of the Executive Committee(to protect the investments of the managers of our Center)}against being washed away by this pending lawsuit ; the Executive Committee carelessly discussed Submitting (under a Secular oath and penalty of perjury) to the trial court of Jefferson county Sworn-falsified financial-affidavits to help them win this civil lawsuit via all means necessary !

Some witnesses heard this aforementioned discussion of the Executive Committee and Furnished a Sworn-written testimony in reference to what this Same Executive Committee has Said <u>about(*abusing*)</u> *and* <u>*using*</u> <u>the Secular Oath</u> to their advantage *in their relentless quest for Securing a Simple-monetarily win* in a religiously-nonbinding Secular-Court ! LO-AND BEHOLD, this Same aforementioned Groups of Executives and their Conspiring associates Submitted(hastily and with no reservation)to the trial court of Jefferson county a Sworn-falsified financial-affidavit in which they have <u>DENIED</u> the Reciprocation of Financial Benefits among themselves !?! → [Please See point No.5 of Exhibit-6A] *!? !? !?* <u>*after*</u> *they have Submitted their Sworn-financial affidavit of denial to the court;* <u>*an independently-obtained financial Record*</u> *(belonging to these defendants)*<u>*revealed*</u> *intimate financial ties among these defendants*(See <u>Line-19</u> of Exhibit-6B),*now* {*match line-19 of Ex-6B* <u>*&*</u> *point-No.5 of Ex-6A*}

careful financial comparisons between **{[the defendants' Sworn affidavit: in Ex-6A]** ***and*** **[the independently-obtained financial records belonging to these defendants: in Ex-6B]}*reveal that an income of* $15,000 *was transferred* from *the account of* the Second defendant(the defendant who put me in jail non-rightfully:→ North America Islamic trust: N.A.I.T)to *the account of* the first defendant(the defendant who maliciously prosecuted me:→Birmingham Islamic Society: B.I.S. ,et al.)!Now! having Seen this $ involvement one might really need to ask: [What is going on Financially among these tax-exempt-nonprofit Islamic-Organizations ?!?]**

As a plaintiff who has been damaged immeasurably I gratefully and respectfully ask of this High Court to allow me to Discover and to Examine the Financial Records that Caused these defendants to violate every Single Right I had when I posed to them an Extremely Simple-

Legitimate Financial-Question that was aimed directly at knowing the Financial Status of our tax-exempt, non-profit Organization:→(B.I.S.)~ [a Community Organization that is Wholly Governed by the Freedom of Information Act]!

(C) My only route for appealing the decision of this trial judge was to go to the appellant Court of the State of Alabama directly ! There the appellant Court of Alabama decided to affirm and passed a "No Opinion" decision and has refused to take any judicial-corrective action in the hope that I might get discouraged eventually and quit prematurely !

(D) My next Step on the judicial ladder was the Supreme Court of the State of Alabama ! there the Supreme Court of Alabama aborted Justice and has Stricken this Constitutional lawsuit for a technicality and thereby this Supreme Court of Alabama did let my Constitutional Rights to be *De Facto* violated !?!

(E) My last quest for Justice was to take this Constitutional lawsuit to the Federal District

Court in Northern Alabama where *a remedy will be Sought Federally* to Fix the Problem of Abusing the Constitutional Rights of Dr. Eljack (a Bona Fide-U.S. Taxpaying-Citizen)! There at the Federal Court the Issue of *RES JUDICATA* appeared where I Simply get Denied JUSTICE because my out-forced lawyer incorrectly filed this Constitutional lawsuit with the State Court Rather than filing it Correctly with the Federal Court(where all Constitutional Rights get reviewed directly) !?! There the Federal Court *introduced the Problematic Issue of Res Judicata*

(F) In my quest for JUSTICE I appealed the decision of *Res Judicata* to the Eleventh Federal Circuit Court of Appeals(in ATLANTA). The Eleventh Circuit Court of Appeals DENIED my Petition for Rehearing En Banc and DENIED the Relief-Sought Request that appears in the LODGING with unheard of-Explicit Prejudice

The ALMIGHTY MAKER-ALLAH (God) Has issued an Unbreakable-Holy Command to all of(Mankind, Jinns, and Beyond)in His

truthful Words of the Holy-Warning QURAN [Chapter:(62)Surah: Al'jumuah Verse:(9)] ! In this aforementioned Holy command, ALLAH (GOD)instructs all mindful creatures(in Specific instructed me)to do the following: {Oh, you who believe:(in ALLAH, in ISLAM, and in His Universal Messenger:the Arabian MOHAMED) When the call is proclaimed to prayer on Friday (the day of assembly), hasten earnestly to the remembrance of ALLAH(GOD)and leave off business(*and traffic)*that is best for you if you but Knew}*I have gotten (arrested and jailed) by the defendants when I obeyed this unbreakable Command* and the law firm that represents these defendants(in defense of his comrade Clients)called this aforementioned Instructions of our holy QURAN:→'*Frivolous*'! This law firm has disrespectfully trashed our holy Book and has trashed all the believing-Moslims worldwide when it did[*with blind animosity*]call the instructions of our holy QURAN:'*Frivolous*' How dare ! and how could the Christian Owner

of this law firm{***who himself believes firmly in the Second Message of John of Exhibit-18 which itself also trashes the Idea of Separating Church and State(the Idea that Solely Governs the U.S. Constitution)***}**call the instructions of our holy QURAN(*in his lower Courts' briefs*)'*Frivolous*'!** This word:→{"***Frivolous*** *" that this defense lawyer used to describe the instructions of our Holy QURAN*}**has intentionally Obstructed justice** *when It did mislead and purposely has put the judicial System of America through a lengthy-wicked Costly-Maneuvers(full of Cover-up and Malice)Disingenuously Aimed At dodging the thesis of this civil lawsuit:* → **The thesis of this lawsuit(Was and Still Is)the fight over** ***revealing the bogus-Financial involvement of these So Called Islamic Organizations ! those Islamic Organizations that are managed permanently with Deception via Employing these Same defendants in Rotation under the Guidance of their Lifelong-Covert Coconspirators who roam this heedless world constantly unchecked !?!***

RULE No.1:{**the role of a judge is *not to weigh the evidence but, to determine whether there is a genuine issue of material fact for trying the Case ! On the other hand,* the role of the jury is *to determine Credibility, weigh evidences, and to draw legitimate inferences* from Solid facts !}**

CONCLUSION

On the basis of this aforementioned RULE the decision of the trial court was{a Snap Decision loaded with Extreme-explicit prejudice that was Solely passed by the trial judge without the help of any learned-Struck jury}!?! All Wise Judicial Systems*DELIVER JUSTICE TO THE IN TORT -OPPRESSED WHO SEEKS JUSTICE REGARDLESS of THE ISSUE of Res Judicata and in DEFIANCE of ALL ISSUES-DODGING MONOPOLISTIC-LAWYERS* ! that is to Say:→ {[Justice always fails when it fails to examine] *AND*[The deliverance of justice has never ever been a random Conclusion of a Simple mind]}!?

REASON FOR GRANTING THE WRIT

JUST for the Moslims' Taxes it Pockets; The Judicial System of America must be Capable of Solving the Simplest-Secular Moslim-Disputes that deal directly with enforcing the amended Civil-laws|*Via Disciplining all defendants who receive Federal Funding and DO intentionally Discriminate against other taxpaying Moslims (Moslims Like Dr.Eljack)*|;However; If these judges of this Secular-Judicial System are not Capable of *tackling these* Islamic Issues; *then they must resign Sincerely by moving aside to make rooms for good God-fearing Moslim-judges who can execute Such Simple-judicial tasks brilliantly and tackle giant-judicial issues Religiously in a decisive-professional way and for NO PAY ! Or, May be these Secular Judges themselves Do Not wish to See* ISLAM *as a vital-Constructive Component in the life of Evolving America ! Or, Perhaps they Do Not Care a bit about* ISLAM,the taxpaying-moslims,or Jizzyah**

Respectfully Submitted, ELJACK-Ελιοτ3,Η

Elemam Dr. ELJACK[Elshareef]*Plaintiff*:(*Pro Se*)

APPENDIX

APPENDIX-A

State of Alabama Unified Judicial System

Case Number: Mc 96-2140.

Defendant Name: Mawia Mohamed Eljack

Complainant: Ahmed H. Hammoud, (B.I.S)

Birmingham Islamic Society:1810 25th Court South, Homewood, AL 35209

Charge: Criminal trespassing-3rd Degree

Attorney for Defendant: Jeff Bennett

Opinion Entered April 09, 1997

On 01-08-1997 the defendant appears in open Court in person and pleads NOT guilty. 01-08-1997 to 04-09-1997 for final determination. Defendant was given Strict instructions to Stay off the premises and building at: 1810 25th Court South, Homewood, AL 35209.[04-16-1997:Release $500 Cash Bond]

Orders: Case nol prosed per prior agreement. Defendant is instructed to obey all laws.

N. huff:_____.
Judge-Municipal Court

APPENDIX-B

TENTH JUDICIAL CIRCUIT OF ALABAMA

CIVIL ACTION NO. CV 97-8117

Mawia Mohamed Eljack,)

Plaintiff,)

VS.)

Ahmed Hussein Hammoud, et al,)

Defendants.)

ORDER: Entered March 12, 1999

This Case is again before this Court on March 10, 1999 due to the Plaintiff's failure to Submit to a deposition by the defendants, and take the oath or affirmation in connection therewith, as ordered by the court in its order of March 5, 1999.

In the court's order of March 5, 1999, on petition of the defendants, the plaintiff , Mawia Mohamed Eljack, was ordered to appear for the taking of his deposition by the defendants on March 10, 1999 at 1:30 o'clock P.M. at 1910

28th avenue South, Birmingham, Alabama at the law offices of Ritchey & Ritchey

The plaintiff appeared on Said date at Said place for the taking of his deposition, and refused to testify and refused to be placed under oath or affirmation, at which time the deposition was removed to the courtroom of the undersigned, the judge to whom this Case was assigned.

The plaintiff again refused to testify and be placed under oath or affirmation and allow his deposition to be taken, even though ordered directly by the court in the courtroom, with a court reporter and all parties present. The plaintiff Stated, when ordered by the court to testify and allow his deposition to be taken and to be placed under oath or affirmation, that he would not do So Since the defendants had not told the truth; and he would not allow his deposition to be taken or to be placed under oath or affirmation.

This was willful, deliberate and contumacious conduct by the plaintiff in violation of the court's order; and the court ordered the plaintiff to allow his deposition to be taken and to be placed under oath or affirmation, and to testify by deposition; and he again refused, even though the court informed him that if he refused, as he had done, that the court would hold him in contempt of court or dismiss his Case. He again willfully, deliberately and contumaciously refused to take the oath or affirmation and allow his deposition to be taken by the defendants; and the court, on Oral Motion of the defendants in Open Court, dismisses this Case.

Cost of Court incurred herein are hereby taxed to the plaintiff.

(This Case has a rather lengthy history; and the court has leaned over backwards to try to

give the Pro Se plaintiff his day in court. However, there reaches a point, which has been reached, that the court cannot allow the plaintiff to Seek redress in this court and to willfully, deliberately and contumaciously violate the order of the court, as well as to willfully, maliciously, deliberately and contumaciously refuse to allow his deposition to be taken by the defendants and to be placed under oath or affirmation. The court therefore is of the opinion that the court must take the action that the court has taken in dismissing this Case.)

DONE AND ORDERED, this 12th day of March, 1999.

N. Daniel Rogers, Jr.
Circuit Judge

---

(1)This Court Order is full of Incorrect-Misleading Information ! This is So because I

Personally told this trial judge in my First day in Court that these defendants attacked me Physically, Slandered me Publicly, put me in Jail non-rightfully, Prosecuted me Maliciously, and Unconstitutionally Blocked Me from (Entering and Registering My Dependents) in the Beginners-School of Our Federally-Assisted Community Center Because I Simply Requested of them to inform me of the ways we Spend our Money on this Community Center of ours: a Center that is Wholly Governed by THE FREEDOM OF INFORMATION ACT ! {THE THESIS OF THIS COMPLAINT IS ABOUT COMPELLING THESE DEFENDANTS TO PRODUCE THE FINANCIAL RECORDS ABOUT WHICH THEY COLLECTIVELY STRIPPED ME OF MY FEDERALLY-GUARANTEED RIGHTS!} This trial judge leaned over backwards to award this Constitutional lawsuit to his Comrade defense lawyer in bits and Pieces(by Setting the defendants Free One by One)While in fact I was holding in my hands all the incriminating(Sworn-Falsified Financial-affidavits)that these defendants Submitted to the Court of this trial Judge So as to Secure a quick-irreversible bogus-victory over me(the judicially-oppressed Plaintiff:Dr. Eljack) !?! However, In my last quest for Stopping this trial judge from killing my Case in his usual Crafty way of ruling; I quickly filed a Motion to depose the defendants on[(Jan 29, 1999)See

Exhibit-10]. When the Defense Lawyer received his Copy of this Motion which I filed for deposing his Clients(the defendants in this lawsuit)he Suddenly became restless in fury with a busted Plot !?! Thereat he wrote a Motion and took it to his Comrade-trial judge on(Feb 10, 1999) . In this Late-filed Motion this defense lawyer expected of his Comrade-trial judge to give him a lead by giving him a chance to depose me *FIRST* !!! Right there and then his Comrade-trial judge reversed for this defense lawyer the priority Order of filing Motions; and without a bit of a judicial Conscious this trial judge *GRANTED* to this defense lawyer a Judicial-Camaraderie Favor that Permitted this lawyer to depose me *FIRST* (On March 10, 1999) !?!

In a rational moment of an Extremely Simple mind this crafty-trial judge was really expecting to Force me and to Coerce me judicially into giving TRUE INFORMATION to this Conglomeration of defendants IN EXCHANGE FOR their Sworn-Falsified Financial-affidavits that these defendants Submitted to the trial court of this judge *Intentionally* ![isn't this Absolutely Amazing]!?!

This Conglomeration of Executive-defendants Said before witnesses that they are going to Submit to this Secular-trial Court Sworn-Falsified Financial-Affidavits in an effort to protect their investments from being washed

away by this pending lawsuit{the witnesses who have heard these defendants Saying that:("they are going to Submit Sworn-Falsified Financial-Affidavits to the Secular Court")Provided me with a Sworn-Written Testimony that Shows what these defendants have precisely Said in the Presence of these Testifying Witnesses}!?! Now ! Please tell me with all Sincerity How Can this System of JUSTICE deliver Minimal JUSTICE When this System itself tremendously lacks the TRUE INPUTS that it needs to get itself Started:[The Right Law, The Right Judges, and The Honest Lawyers]! So *O* Men of Understanding Can't You Understand ?!?

APPENDIX-C

STATE OF ALABAMA

JUDICIAL DEPARTMENT

THE COURT OF CIVIL APPEALS

SPECIAL TERM , 1999

2980835

Mawia M. Eljack Vs. Ahmed H. Hammoud

Appeal from Jefferson circuit court(cv-97-8117)

PER CURIAM

ORDER: Entered August 27, 1999

AFFIRMED. NO OPINION.

See Rule 53(a) (1) and (a) (2) (A), Ala.R.App.p.; Rule 28, Ala. R. App.p.; Myrick v. Myrick,714 So. 2d 311 (Ala.civ.app.1998) ; and Watchous v. North Creek Baptist Church, 706 So. 2d 1259 (Ala.civ.App.1997).

The Supreme Court of Alabama transferred the appeal to this court, Pursuant to: 12-2-7, Ala. Code 1975.

All the judges concur.

APPENDIX-D

THE COURT OF CIVIL APPEALS OF ALABAMA

RE: 2980835

Mawia M. Eljack Vs. Ahmed H. Hammoud

Appeal from Jefferson County Circuit Court: Cv-97-8117

ORDER: Entered October 01, 1999

You are hereby notified that the following action was taken in the above Cause by the Court of Civil Appeals:

Application for Rehearing Overruled. No Opinion written on Rehearing. 39(k) Motion Denied.

John H. Wilkerson, Jr., Clerk:_____

Court of Civil Appeals

300 Dexter Avenue

Montgomery, Al 36104-3741

(334) 242-4095

APPENDIX-E

IN THE SUPREME COURT OF ALABAMA

No. 1990066

Ex Parte Dr. Eljack Mawia. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS [In Re: Mawia M. Eljack Vs. Ahmed H. Hammoud]

(Jefferson Circuit Court No. Cv-97-8117)

(Low'r.App.Ct.No.:2980835)

ORDER: Entered October 21, 1999

It is ORDERED that the Petition for WRIT OF CERTIORARI filed in this Cause on October 11, 1999, be, and the Same is hereby, Stricken for non-compliance with Rule 39, Alabama Rules of Appellate Procedure.

NO COSTS TAXED.

Witness my hand this 21 day of October, 1999.

Robert G. Esdale, Sr.,_____

Clerk, Supreme Court of Alabama.

APPENDIX-F

IN THE SUPREME COURT OF ALABAMA

No. 1990066

Ex Parte Dr. Eljack Mawia. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS [In Re: Mawia M. Eljack Vs. Ahmed H. Hammoud]

(Jefferson Circuit Court No. Cv-97-8117)

(Low'r.App.Ct.No.:2980835)

ORDER: Entered November 16, 1999

It is ORDERED that the Motion for RECONSIDERATION filed in this Cause on November 02, 1999 be, and the Same is hereby, Stricken in accordance with the provisions of Rule 39(j), Alabama Rules of Appellate Procedure.

Witness my hand this 16 day of November, 1999

Robert G. Esdale, Sr.,_____

Clerk, Supreme Court of Alabama.

APPENDIX-G

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA [Southern Division]

Civil Action No. Cv99-P-01019-S

MAWIA MOHAMED ELJACK ,--------Plaintiff

Vs.

AHMED H. HAMMOUD, et al,-----Defendants.

ORDER: Entered November 02, 1999

Before the Court are the following Motions that were Considered at the October 4, 1999 motion docket: 1. A motion by defendants to dismiss filed on October 4, 1999 ; and 2. A motion by defendant Birmingham Islamic Society for Rule 11 Sanctions filed on October 20, 1999.

On December 30, 1997, Plaintiff filed Suit against the Defendants and/or parties in privity with them in the circuit of Jefferson county, Alabama. By order dated March 13, 1998,

Defendants Islamic Society of North America, Inc (I.S.N.A.) and North America Islamic Trust (N.A.I.T.) Were dismissed as Parties. By Order dated September 11, 1998, Birmingham Islamic Society's motion for Summary judgement was granted. Finally, On March 12, 1999, the remaining State Court action was dismissed based on plaintiff's violations of court orders. On August 27, 1999, the Court of Civil Appeals for the State of Alabama affirmed the trial court's decision dismissing the Case.

Because Plaintiff's Claims in this Case are barred by the Doctrine of *Res judicata,* Defendants' motion to dismiss is hereby granted. All of the claims against the Defendants in this Case were previously dismissed by judgement of a Court of Competent jurisdiction. Unless the Court Specifies Otherwise, a dismissal with prejudice operates as a judgement on the

merits. *Hart v. Yamaha-parts Distributors, Inc.*, 787 F.2d 1468, 1470(11th Cir.1986). As Such, dismissal of plaintiff's claims in this Case is appropriate, despite the fact that Plaintiff may have couched its current Lawsuit in terms of federal law, rather than relying exclusively on State law claims. *See Pelletier v. Zweifel*, 921 F.2d 1465, 1502(11th Cir.1991)("[I]f a Case arises out of the Same nucleus of operative fact, or is based upon the Same factual predicate, as a former action, [then] the two Cases are really the Same 'claim' or 'Cause of action' for purposes of Res judicata.").1

Defendants, Motion for Rule 11 Sanctions is denied. Each Party Shall bear its Own Costs.

Dated: November 01, 1999

Chief judge Sam C. Pointer, Jr.

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[1] **The Court's ruling that this Cause is due to be dismissed renders three previous motions filed by the plaintiff moot: 1. Plaintiff's May 5, 1999 motion for Summary judgement; 2. Plaintiff's May 14, 1999 motion to Compel Production of Financial Records and Documents; and 3. Plaintiff's May 14, 1999 motion to Compel Defendants to Appear at Depositions. These motions were not previously ruled on because they were filed before the Defendants in this Case were Served with process.**

APPENDIX-H

IN THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

No. 99-14545-GG

MAWIA M. ELJACK ,------Plaintiff-Appellant,

Vs.

AHMED H. HAMMOUD , (B.I.S.)et al----------.

Defendants-Appellees.

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On Appeal from the United States District Court for the Northern District of Alabama

- -

BEFORE: EDMONDSON, HULL and MARCUS, Circuit judges.

BY THE COURT:

ORDER: Entered March 01, 2000

Appellant's motion for appointment of counsel is DENIED.

Appellant's "motion for order Compelling the Defendants and witnesses to be Deposed." is DENIED

Appellant's motion for Injunctive Relief is DENIED

Appellant's motion for Summary Judgement is DENIED

Appellant's " motion for Discovery. " is DENIED

Appellant's " a Request to Discover information Constructed as motion Seeking Discovery," is DENIED

U.S. Court of appeals (Eleventh Circuit)

Thomas K. Kahn,

Clerk

APPENDIX-I

IN THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

No. 99-14545-GG

MAWIA M. ELJACK ,------Plaintiff-Appellant,

Vs.

AHMED H. HAMMOUD , (B.I.S.)et al----------.

Defendants-Appellees.

- - - - - - - - - - - - - - - - - -

On Appeal from the United States District Court for the Northern District of Alabama

- - - - - - - - - - - - - - - - - - - -

ON PETITION(S) FOR REHEARING AND PETITION(S) FOR REHEARING EN BANC

(Opinion _____, 11th Cir., 19__, __F.2d__).

BEFORE: COX, DUBINA, and BLACK, Circuit judges. PER CURIAM:

ORDER: Entered February 21, 2001

The petition(s) for Rehearing are DENIED and no member of this Panel nor other judge in regular active Service on the Court having requested that the Court be polled on Rehearing En Banc (Rule 35, Federal Rules of Appellate procedure;Eleventh circuit Rule35-5), the petition(s) for Rehearing En Banc are DENIED.

Entered for the Court:

E. R. COX

UNITED STATES CIRCUIT JUDGE